

Rec'd PCT/PTO 17 AUG 2005

## FAX TRANSMISSION

DATE: August 17, 2005

PTO IDENTIFIER: Application Number 10/522,644  
Patent Number

Inventor: Kunihiro Ohta et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 305-3230

FROM: DARBY &amp; DARBY P.C.

Adda C. Gogoris

PHONE: (212) 527-7727

Attorney Dkt. #: 04393/0202300-US0

PAGES (Including Cover Sheet): 8

CONTENTS: Communication in Response to Notice of Defective Response (2 pages)  
Part 2 copy of Notice (2 pages)  
Copy of stamped return receipt postcard (1 page)  
PAIR Printout (1 page)  
Certificate of Transmission (1 page)

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Application No. (if known): 10/522,644

Attorney Docket No.: 04393/0202300-US0

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on August 17, 2005  
Date



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Communication in Response to Notice of Defective Response (2 pages)  
Part 2 copy of Notice (2 pages)  
Copy of stamped return receipt postcard (1 page)  
PAIR Printout (1 page)

Docket No.: 04393/0202300-US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kunihiro Ohta et al.

Application No.: 10/522,644

Confirmation No.: 7488

Filed: January 26, 2005

Art Unit: N/A

For: METHOD OF ENHANCING HOMOLOGOUS  
RECOMBINATION OF SOMATIC CELLS  
AND METHOD OF CONSTRUCTING  
SPECIFIC ANTIBODY

Examiner: Not Yet Assigned

**COMMUNICATION IN RESPONSE TO NOTICE OF DEFECTIVE RESPONSE**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Communication is being filed in response to the Notice of Defective Response mailed August 2, 2005, a copy of which is enclosed. The Notice indicates that Applicants failed to satisfy all of the requirements set out in a July 13, 2005 Notification of Missing Requirements. Specifically, the Notice indicates that the computer readable form sequence listing and accompanying statement has not been submitted.

Applicants contend that no Notification of Missing Requirements was issued by the United States Patent and Trademark Office on July 13, 2005. Enclosed is a printout from the Patent Application Retrieval System for the subject application. No Notification of Missing Requirements is listed in the file history.

However, Applicants did receive a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, issued by the U.S. Patent and Trademark Office on July 13, 2005. A response to this Notice to Comply is due

Application No.: 10/522,644

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Docket No.: 04393/0202300-US0

September 13, 2005, and Applicants filed response to the Notice to Comply on August 2, 2005. A copy of the return receipt postcard as stamped by the U.S. Patent and Trademark Office on August 2, 2005 is enclosed, evidencing the receipt of a Response, a computer readable form sequence listing on diskette, a paper copy of the sequence listing, Part 2 copy of the Notice to Comply, and an Express Mail Certificate. Applicants contend that the sequence listing requirements set out both in the July 13, 2005 Notice to Comply and the August 2, 2005 Notice of Defective Response were satisfied by Applicants' August 2, 2005 submission. Accordingly, it is respectfully requested that the Notice of Defective Response be withdrawn and removed from the record of the present application as being both (a) premature and (b) improper.

Confirmation of compliance of this application with all formal requirements is respectfully requested.

Dated: August 17, 2005

Respectfully submitted,

By 

Adda C. Gogoris

Registration No.: 29,714

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
10/522,644	Kunihito Ohta	04393/0202300-USO

INTERNATIONAL APPLICATION NO.
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PCT/JP03/09563

LA. FILING DATE	PRIORITY DATE
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07/28/2003

07/30/2002

07278  
 DARBY & DARBY P.C.  
 P. O. BOX 5257  
 NEW YORK, NY 10150-5257

*Sept. 13, 2005.*  
 DUE  
 Docketed on *8/15/05* by *L16* for  
 Docketed without file ☐  
 Attorney \_\_\_\_\_

CONFIRMATION NO. 7488

371 FORMALITIES LETTER



\*0C000000016667581\*

Date Mailed: 08/02/2005

*2/13/06*

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 01/26/2005
- English Translation of the IA filed on 01/26/2005
- Copy of the International Search Report filed on 01/26/2005
- Preliminary Amendments filed on 01/26/2005
- Information Disclosure Statements filed on 01/26/2005
- Oath or Declaration filed on 02/28/2005
- Small Entity Statement filed on 01/26/2005
- U.S. Basic National Fees filed on 01/26/2005
- Priority Documents filed on 01/26/2005

Applicant's response filed 07/08/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/13/2005 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/522,644	PCT/JP03/09563	04393/0202300-USO

JCS Rec'd PCT/PTO 02 AUG 2005



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## PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 8-17-2005::14:34:27 E.T.

Search results for application number: 10/522,644			
Application Number:	10/522,644	Customer Number:	7278
Filing or 371(c) Date:	-	Status:	Application Undergoing Preexam Processing
Application Type:	Utility	Status Date:	02-03-2005
Examiner Name:	-	Location:	PCT-CENTRAL FILES 703-921-1282
Group Art Unit:	-	Location Date:	08-08-2005
Confirmation Number:	7488	Earliest Publication No:	-
Attorney Docket Number:	04393/0202300-US0	Earliest Publication Date:	-
Class/ Sub-Class:	-/-	Patent Number:	-
First Named Inventor:	Kunihiko Ohta, SAITAMA, (JP)	Issue Date of Patent:	-
Title Of Invention:	Method of enhancing homologous recombination of somatic cells and method of acquiring specific antibody		

## Search Options

Assignments
Continuity Data
Foreign Priority
Publication Review

## File History

Date	Contents Description
08-02-2005	Notice of DO/EO Defective Response Mailed.
07-08-2005	Additional Application Filing Fees
01-26-2005	Copy of the International Application
07-13-2005	Sequence disclosure problems
01-26-2005	Initial Exam Team nn